



1761/11
PATENT

Docket No. 8160.16016-FOR DIV

#24/DF
3/28/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aaron Strand et al.
Serial No: 09/804,403
Filed: 12 March 2001
For: A Resealable Bag for Filling With Food Product(s) and Method

Group Art Unit: 1761
Examiner: Robert A. Madsen

Commissioner of Patents
Washington, D.C. 20231

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE
OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

- NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).
- NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

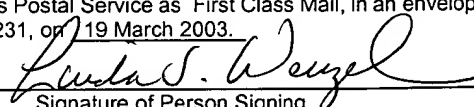
WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:

CERTIFICATE OF MAILING (37 CFR 1.8a) / (37 CFR 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 19 March 2003.


Signature of Person Signing

Linda S. Wenzel
Type or Print Name of Person Signing

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- (1) a final action under S 1.113 or
(2) a notice of allowance under S 1.311,
whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is
(check either A or B below)
A. ☐ a certification as specified in 37 CFR 1.97(e)
OR
B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c) (\$180.00).

Fee due \$ 180.00

METHOD OF PAYMENT OF FEE

4. ☒ Attached is check in the amount of \$ 180.00
☐ Charge Account No. _____ in the amount of \$ _____
A duplicate of this request is attached.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

If any additional fees are due, please charge Account No. 06-2360.

Reg. No. 46,436

Telephone No.: (262) 783 - 1300

Laura A. Dable
Signature of Attorney

Laura A. Dable

Type or Print Name of Attorney of Record

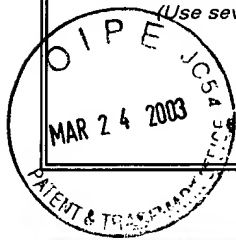
RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226-0618

Mailing Address of Sender

LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 8160.16016-FOR DIV	SERIAL NO. 09/804,403
	APPLICANT Aaron Strand et al.	
	FILING DATE 12 March 2001	GROUP 1761



U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		WO 98/08739 ✓	3/5/1998	PCT			
		WO 98/49062 ✓	11/5/1998	PCT			
		WO 98/57862 ✓	12/23/1998	PCT			
		2 744 700 ✓	8/14/1997	France			
		2 546 481 ✓	11/30/1984	France			

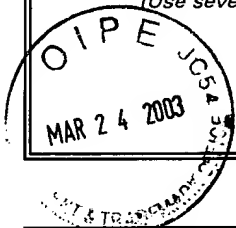
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

		Article 4/5 - "Resealable Package Helps Win New Customers" ✓ Packag. (U.S.) vol. 36, no. 6, May 1991, p. 31
		Article 5/5 - "Pita Sales Zip Along" ✓ Packag. Dig., vol. 27, no. 10, Sept. 1990, pp. 42, 46

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	0 951 989 ✓	10/27/1999	EP			
	0 547 966 ✓	6/23/1993	EP			
	0 450 741 ✓	10/9/1991	EP			
	299 07 977 ✓	8/19/1999	DE			
	581864	9/10/1958	IT			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Packaging Digest, March 1999 - "Flexible Muscle With Flair" Cover, pgs. 3, 46-48, 50-52, 56 ✓
			Packaging News, October 1989 - "Tamper Evident Bag Resealed by 'Zipper'" Cover, pg. 84 ✓

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U.S. PATENT DOCUMENTS

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,390,676	5/21/2002	Colombo et al.			
	2002/0172435	11/21/2002	Colombo et al.			
	2002/0068668	6/6/2002	Chow et al.			
	5,048,692	9/17/1991	Handler et al.			
	6,327,754	12/11/2001	Belmont et al.			
	6,327,837	12/11/2001	Van Erden			
	6,131,369	10/17/2000	Ausnit			
	2002/0196987	12/26/2002	Tilman et al.			
	5,412,924	5/9/1995	Ausnit			
	5,400,568	3/28/1995	Kanemitsu et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 98/45180	10/15/1998	PCT			
	WO 98/18679 ✓	5/7/1998	PCT			
	WO 84/02896 ✓	8/2/1984	PCT			
	WO 91/17086 ✓	11/14/1991	PCT			
	WO 98/03328 ✓	1/29/1998	PCT			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

		Article 1/5 - "Senior Consumers Welcome Easy-off Lids" ✓ Food Technol. vol. 53, no. 5, May 1999, pp. 80, 85
		Article 2/5 - "Safeway Pioneers Recloseable Pouch Design for its Private Label Frozen Food Line" ✓ Packag. Strategies, vol. 11, no. 11, 15 June 1993, pp. 1-2
		Article 3/5 - "Hiland Bags a Winner" ✓ Packag. Dig., vol. 29, no. 12, Nov. 1992, p. 112

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